

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JULE CROWELL, et al.,

Plaintiffs,

v.

COWLITZ COUNTY, et al.,

Defendants

CONMED, INC.,

Intervener/Third-
Party Defendant.

CASE NO. C14-5153 BHS

CONSOLIDATED FOR
PRETRIAL PURPOSES WITH

C14-5385BHS

C14-5672BHS

ORDER DISMISSING STATE
LAW CLAIMS AND CLOSING
CASES

This matter comes before the Court on Intervenor and Third-Party Defendant Conmed, Inc. (“Conmed”) and Defendants and Third-Party Plaintiffs Cowlitz County (“County”) and Marin Fox Hight’s (“Hight”) motions for summary judgment on Kuanoni claims (Dkts. 91 & 98); the Court’s order granting the motion in part, reserving ruling in part, and requesting the parties to show cause (Dkt. 167); and the parties responses to the order to show cause (Dkts. 169, 170, & 174). The Court has considered the pleadings filed in support of and in opposition to the motions and the remainder of the file and hereby rules as follows:

I. PROCEDURAL HISTORY

On May 8, 2014, Plaintiff Kele Kuanoni, as the Personal Representative of the estate of his son Cameron Kuanoni (“Kuanoni”), filed a complaint against the County and Hight asserting causes of action for negligence and violation of civil rights. C14-5385BHS, Dkt. 1. On November 21, 2014, the Court granted Conmed’s motion to intervene and consolidate the matter with the above captioned cases for pretrial purposes. *Id.*, Dkt. 30

On September 2, 2015, Conmed filed a motion for summary judgment. Dkt. 91. On September 10, 2015, the County and Hight filed a motion for summary judgment. Dkt. 98. On October 28, 2015, the Court granted the motions as to Kuanoni’s federal claims, reserved ruling on Kuanoni’s state law claims, and requested the parties to show cause why the Court should exercise supplemental jurisdiction over the state law claims. Dkt. 168. On November 3, 2015, Conmed, the County, and Hight responded. Dkts. 169 & 170. On November 6, 2015, Kuanoni responded. Dkt. 174.

II. DISCUSSION

The Court may decline to exercise supplemental jurisdiction over pendant state law claims if “the district court has dismissed all claims over which it has original jurisdiction.” 28 U.S.C. § 1367(c)(3). As with the other state law claims in these consolidated cases, absent constitutional violations, the issues of negligence under state law and operations of local jails are best addressed by the local courts. Therefore, the Court declines to exercise supplemental jurisdiction over Kuanoni’s state law claims.

III. ORDER

Therefore, it is hereby **ORDERED** that Kuanoni's state law claims are **DISMISSED without prejudice** and all remaining motions in these consolidated cases are **DENIED as moot**.

The Clerk shall close the lead and member cases.

Dated this 9th day of December, 2015.



BENJAMIN H. SETTLE
United States District Judge